

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SUSAN P. MCNAMEE-MILLER, et al.,)	CASE NO.:
)	
Plaintiffs,)	JUDGE:
)	
vs.)	<u>NOTICE OF REMOVAL</u>
)	
HMD TRUCKING, INC., et al.,)	
)	
Defendants)	
)	

NOW COME Defendants HMD Trucking, Inc. and Brad D. Coles, by and through its attorneys, and hereby files the Notice of Removal of this action to the United States District Court for the Northern District of Ohio, Eastern Division, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 and in support states:

1. On August 5, 2022, Plaintiffs Susan P. McNamee-Miller and Cody M. McNamee commenced an action in the Franklin County Court of Common Pleas, Ohio, bearing Case No. 22CV005399 entitled “*Susan P. McNamee-Miller and Cody McNamee, v. HMD Trucking, Inc. and Brad D. Coles,*” praying judgment against Defendants.

2. At the time of both the filing of Plaintiff’s Complaint and this Notice of Removal, Defendant HMD was a corporation organized under Illinois law with its principal place of business located in Chicago Ridge, Illinois. Thus, for jurisdictional purposes, HMD is a citizen of Illinois. At the time of both the filing of Plaintiff’s Complaint and this Notice of Removal Defendant Coles was domiciled in Virginia for jurisdictional purposes.

3. Plaintiffs’ Complaint alleges that Susan P. McNamee-Miller and Cody M. McNamee suffered injury as a result of motor vehicle accident that occurred in Franklin County, Ohio on November 22, 2020. Plaintiffs allege that Ms. McNamee-Miller “suffered devastating

brain injuries and her son, Cody McNamee, suffered serious spinal fractures with spinal cord compression[.]”

4. A copy of the Summons and Complaint in the case aforesaid was served upon Defendants, HMD Trucking, Inc. on August 15, 2022 and Brad D. Coles, on August 22, 2022 under and by virtue of Rule 4.3 of the Ohio Rules of Civil Procedure.

4. Defendants attach hereto, and file herewith, a copy of the Summons and Complaint served as aforesaid, as well as copies of all other process, pleadings and orders served upon them.

5. This Notice of Removal is premised upon this Court’s diversity jurisdiction under 28 U.S.C. §1332(a).

6. All Defendants join in this Notice of Removal.

7. This Notice is procedurally proper because Defendants timely filed this notice within 30 days of receiving Plaintiffs’ Complaint, see 28 U.S.C. § 1446(b); complete diversity exists under 28 U.S.C. §1332(a) as Plaintiffs and Defendants are citizens of different states, Ohio, Illinois and Virginia; no Defendant is a citizen of Ohio; and the amount in controversy exceeds \$75,000, exclusive of interest and costs, under 28 U.S.C. §1332(b) based upon the Plaintiffs’ allegations in their Complaint of injuries and damages.

8. Under 28 U.S.C. §1441, a defendant may remove the action to the district court of the United States for the district and division embracing the place where the action is pending. Plaintiffs filed their Complaint in Franklin County, Ohio and thus this case is removable to the District Court of the Southern District of Ohio, Eastern Division.

9. Defendants state that this case is properly venued in this court for the reason that the incident involved herein is alleged to have taken place in Franklin County, Ohio, and pursuant to Local Rule 82.1(b)(a), is to be filed at this court’s location in Columbus.

10. Defendants file and attaches herewith a copy of all process, pleadings, and orders served upon them in this action, as required by 28 U.S.C. §1446(a).

11. Defendants have caused their counsel to verify this petition pursuant to Rule 11 of the Federal Rules of Civil Procedure, as required by 28 U.S.C. §1446(a).

WHEREFORE, Defendants HMD Trucking, Inc. and Brad D. Coles pray for removal of the above described action now pending in the Court of Common Pleas of Franklin County, Ohio, to this court, according to the law.

Respectfully submitted,

MAZANEC, RASKIN & RYDER CO., L.P.A.

s/Terence L. Williams

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Counsel for Defendants HMD Trucking, Inc. and
Brad D. Coles

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2022, a copy of the foregoing Notice of Removal was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Terence L. Williams

TERENCE L. WILLIAMS (0081363)

Counsel for Defendants HMD Trucking, Inc. and
Brad D. Coles